

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO. 1:03cr100WJG-JMR-1

NIKILI TILLMAN a/k/a Niki Tee a/k/a Black

ORDER

THIS CAUSE comes before the Court on Defendant Nikili Tillman a/k/a Niki Tee a/k/a Black's motion [112-1] for specific performance of his Memorandum of Understanding with the United States of America [United States]. Tillman specifically seeks a motion for reduction of sentence pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure based on his cooperation and substantial assistance to the United States. The Court, having fully considered this matter, finds as follows:

Tillman pleaded guilty to conspiracy to possess with intent to distribute cocaine base in Count 1 of the Indictment, and was sentenced on August 3, 2004, to 135 months confinement in the Bureau of Prisons [BOP], with 5 years supervised release and a \$100 special assessment. (Ct. R., Doc. 71.) On January 23rd, 2007, the United States filed a motion to reduce sentence on Tillman's behalf pursuant to Rule 35(b) Federal Rules of Criminal Procedure. (Ct. R., Doc 106.) The United States' motion for a reduction of Defendant's sentence cites useful and substantial assistance provided by Defendant that led to arrests and convictions of other drug traffickers as the basis for its motion. (*Id.*) The Court granted the United States' motion January 24th, 2007, and Tillman's sentence was reduced from a term of 135 months imprisonment to a term not

exceeding 97 months imprisonment, with all other aspects of the sentence remaining the same. (Ct. R., Doc. 109.) There Court finds no reason to further reduce the sentence imposed in this case, especially in light of the following circumstances.

Defendant now complains that the United States has not fulfilled its obligation to seek a sentence reduction based on his cooperation. The Court finds that Tillman's motion for clarification regarding a motion for specific performance – filed almost six months after this Court's order granting the United States' motion for sentence reduction – is without merit and should be denied. It is therefore,

ORDERED AND ADJUDGED that Defendant's motion for specific performance [112-1] be, and is hereby, denied.

SO ORDERED AND ADJUDGED this the 25th day of July, 2007.

Walter J. Gex III
UNITED STATES SENIOR DISTRICT JUDGE